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THE WHITE HOUSE  
WASHINGTON  
16 September 1971

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MEMORANDUM FOR

Dr. Henry A. Kissinger  
Assistant to the President for  
National Security Affairs

Subject: Geneva Protocol of 1925

1. This is in response to the memorandum, subject as above, from the NSC Secretariat requesting my views on the options and alternatives presented in the IPMG report of September 16, 1971, subject also as above.
2. Whereas I accept the judgment that there has been some net utility arising from the use of riot control agents and herbicides in South Vietnam, the technical support for assertions that such utility has been great is weak and is likely to remain so. In any case, such utility appears to be confined to situations like Southeast Asia in which the enemy has inadequate protection against RCA's (no effective masks) and limited capabilities to retaliate in kind or with other chemical or biological weapons against the use of either RCA's or herbicides. (Advantages in the use of lethal chemicals appear to be with guerrillas.)

The situation with respect to nations with greater military capabilities who might be bound to us by mutually acceptable agreements is substantially different. In the extreme case of the Soviet Union and Warsaw Pact countries, actual utilization could have a negative utility since it could provide a legal and political excuse for the escalation to higher levels of chemical activity for which we are relatively quite poorly prepared. Studies done by the CBW Panel of the President's Science Advisory Committee indicate that the widespread introduction of lethal chemicals by the Soviet Union into a NATO conflict would be

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disasterous for us and would force us to consider nuclear retaliation or to sustain a substantial defeat. It is generally agreed that our defenses are weak and those of other NATO allies even weaker relative to those of the Soviet Union and Warsaw Pact nations. Furthermore, it is believed by my office that the offensive capability of the Warsaw Pact substantially exceeds our own. Thus we have much to gain by strengthening the political constraints against the possible introduction of chemicals into conflicts with more advanced countries. We should clearly do this in the most advantageous way politically.

This leads me to believe that in the absence of additional and contrary evidence which I do not expect the ongoing studies to produce, the interest of the nation would be best served by implementing Alternative 1 of Option B. ("Reaffirm our current understanding of the Protocol, but agree not to make first use of RCAs and chemical herbicides against states that officially confirm they are bound on the same basis.")

3. It is the judgment of my office that the ongoing studies will contribute little to the basis for decision on the issues involved in the Geneva Protocol, particularly those scheduled for completion after NSSM-112. However, since the Congress is aware of the fact that the NSSM-112 study is in progress, it might be awkward to change position without awaiting its results. The Senate Foreign Relations Committee has asked that we reconsider our position in light of this study, thus we could easily delay making a further substantive response to Senator Fulbright's proposals until the studies are complete, though a communication of our intent to him seems desirable. The NSSM-112 study could be presented to the President by the end of October, I understand. Accordingly, I see little merit in supporting publicly any change of position prior to that time.

At this time, it would appear to be useful to take such steps as are necessary:

1. to assure that the NSSM-112 study is not delayed; and
2. to confirm the IPMG judgment that if the Administration were to support Alternative 1 of Option B, it would lead to the ratification of the Geneva Protocol by the Senate.

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About the end of October, the President could then possibly be prepared to support publicly an option (presumably Alternative 1 of Option B) that would be expected to lead to ratification during this Administration, should that be his desire.

*Ed*

Edward E. David, Jr.  
Science Adviser

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